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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/943,102

08/30/2001

Boyd Shelton

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8416

7590

09/09/2004

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EXAMINER

VUONG, BACH Q

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,102

Applicant(s)

SHELTON ET AL.

Examiner

Bach Q. Vuong

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-19 is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 20-26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Objections

Claim 3, 4 and 20-26 are objected under 37 CFR 1.75 (a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 3 and 4:

Claims 3 and 4 should depend on claim 2. Otherwise, the term "third length" and "fourth length" lack antecedent basis.

In claim 20:

The terms "second set of wobble marks" and "second servo sector", lines 3-4, make claim 20 confused because "first set of wobble marks" and "first servo sector" are not previously recited. Also, there is no support for the wobble marks and servo sector as recited in the claim. Applicant is suggested to recite a storage medium having such wobble marks and servo sector in the preamble of the claim in order to provide a structural support for the wobble marks and servo sector as later recited in the body of the claim.

Claims 21-26 fall with their respective parent claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Ottesen et al. (US 6,775,081).

Ottesen et al., according to Figs. 1-4, shows a storage medium comprising all features of the claimed invention as interpreted below:

Regarding claim 1, see Figs 1-4 which show a storage medium having a plurality of tracks comprising: a plurality of data sectors (see 407 and 408) on each track; a plurality of first servo sectors (see first format 405) on each track, each first servo sector having a first length; and a plurality of second servo sectors (see second format 406) on each track, each second servo sector having a second length, the first length being different from the second length (see Fig. 4 for details).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ottesen et al. (US 6,775,081) in view of Hetzler (US 5,210,660).

Ottesen et al., according to Figs.1-4, shows all the features of the instant claimed invention (see the rejection above). However, Ottesen does not specifically disclose that a servo sector on each track comprises an index mark for indicating a circumferential position of the storage medium. Hetzler, according to Figs. 1-4, discloses the use of index mark (see index 52 in Fig. 4) in each track as recited in claim 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to insert the use of index mark as taught by Hetzler in Ottesen's recording disk to improve sampling servo sections on a movable recording medium.

Allowable Subject Matter

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2 is allowable over prior art of record because all the cited references, considered as closest prior art and viewed considered in combination or individual, fails to suggest or fairly teach a storage medium including all features as particularly recited in claim 2.

Claims 3, 4 and 20-26 are would be allowable if rewritten to overcome the objection(s) under 37 CFR. 1.75, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 6-19 are allowed over prior art of record because all the cited references, considered as closest prior art and viewed considered in combination or individual, fails to suggest or fairly teach a storage medium and a disk drive for reading data from a storage medium including all features as recited in each of claims 6, 10, 15 and 19. Claims 7-9, 11-14 and 16-18 fall with their respective parent claim.

Cited References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited reference relates to servo format for disk drive data storage devices.

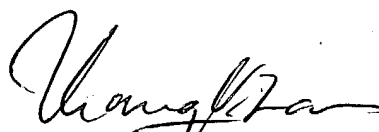
Art Unit: 2653

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q. Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV
September 3, 2004


THANG V. TRAN
PRIMARY EXAMINER